

**Unofficial Draft Copy**

As of:

\*\*\*\* Bill No. \*\*\*\*

Introduced By \*\*\*\*\*

By Request of \*\*\*\*\*

A Bill for an Act entitled: “An Act establishing a statewide land mobile radio system; establishing a statewide land mobile radio system advisory council; providing rulemaking authority; *amending sections; and repealing sections XX-X-XXX, MCA.*”

WHEREAS, it is a necessity and the public policy of the state to promote and encourage planning and development of land mobile radio systems in the state to provide for the safety of its citizens and emergency responders and the protection of public and private property; and

WHEREAS, the legislature recognizes consistency, continuity and cost-effectiveness in the development of a statewide land mobile radio system is essential to the protection of public and private property and the safety of Montana's citizen's and emergency responders.

Be it enacted by the Legislature of the State of Montana:

**NEW SECTION. Section 1. Policy.** (1) It is the policy of the state that the development of land mobile radio systems in the state must be conducted in an organized, deliberative, and cost-effective manner.

(2) The following principles must guide the development of the statewide land mobile radio systems:

(a) There are statewide land mobile radio system standards, procedures, and guidelines applicable to all state agencies and other entities using the statewide land mobile radio system.

(b) In order to minimize unwarranted duplication, similar land mobile radio systems must be implemented and managed in a coordinated manner.

(c) Planning and development of land mobile radio systems are conducted in conjunction with budget development and approval.

(d) Public-private partnerships are used to deploy land mobile radio systems when practical and cost-effective.

(e) Land mobile radio systems are developed in cooperation with federal, tribal and local governments with the objective of providing seamless access to mission critical voice communications to the greatest degree possible.

**NEW SECTION. Section 2. Statewide land mobile radio system advisory council -- membership -- qualifications -- vacancies -- compensation.** (1) There is a statewide land mobile radio system advisory council.

(2) The council consists of 7 members appointed as follows:

(a) the attorney general or the attorney general's designee, who serves as presiding officer of the council;

(b) a representative of the Governor's Office;

(c) a representative of the law enforcement community;

(d) a representative of the fire protection community;

(e) a representative of the emergency medical community;

(f) a representative of local governments; and

(g) a representative of tribal governments

(3) The advisory council shall create subcommittees that include a broad representation of stakeholders to advise each member of the council. Subcommittee membership shall include, but is not limited to:

(a) a representative of the department of justice, Montana highway patrol;

(b) a representative of the department of transportation, maintenance division;

(c) a representative of the department of military affairs, disaster and emergency services division;

(d) a representative of the department of administration, state information technology services division;

(e) two representatives of the Montana association of counties; one serving a population less than 30,000 and one serving a population greater than 30,000;

(f) two representatives of the Montana league of cities and towns; one serving a population less than 30,000 and one serving a population greater than 30,000;

- (g) a representative of the Montana sheriffs and peace officers association;
  - (h) a representative of the Montana association of chiefs of police;
  - (i) a representative of the Montana state fire chiefs' association;
  - (j) a representative of the Montana state volunteer firefighters association;
  - (k) a representative of the Montana emergency medical services association;
  - (l) a representative of the Montana association of public safety communications officials;
  - (m) two representatives of Montana telecommunications ~~providers~~ industry;
- (4) The council is attached to the department for administrative purposes only, as provided in 2-15-121.
- (5) The council shall, within its authorized budget, hold quarterly meetings.
- (6) Council members shall serve without additional salary but are entitled to reimbursement for travel expenses incurred while engaged in council activities as provided for in 2-18-501 through 2-18-503.

**NEW SECTION. Section 3. Statewide land mobile radio system advisory council-- duties and responsibilities.** (1) The statewide land mobile radio system advisory council shall:

- (2) advise the department in the development of a statewide strategic plan for a statewide land mobile radio system;
- (3) provide recommendations to the department in funding a statewide land mobile radio system
- (4) provide recommendations to the department in establishing rates and other charges for land mobile radio services established by the department;
- (5) advise the department in the development of statewide land mobile radio system standards and policies; and
- (6) advise the department on significant matters concerning land mobile radio systems development and services in the state of Montana, including **rulemaking**.

**NEW SECTION. Section 3. Powers and duties of department.** (1) The department is responsible for carrying out the planning and program responsibilities for a statewide land mobile radio system. The department shall:

(a) encourage and foster the development of new and innovative information technology within state government;

(b) promote, coordinate, and approve the development and sharing of land mobile system resources including infrastructure, equipment and software that provide similar functions for multiple state, tribal and local agencies;

(c) establish and enforce a state strategic plan for a statewide land mobile radio system;

(d) establish and enforce statewide policies and standards for a statewide land mobile radio system;

(e) staff the statewide land mobile radio system advisory council;

(f) fund the administrative costs of the statewide land mobile radio system advisory council;

(g) operate and maintain a statewide land mobile radio system for the use of state government, political subdivisions, and other participating entities under terms and conditions established by the department;

(h) operate and maintain a statewide land mobile radio system backhaul network for the use of state government, political subdivisions, and other participating entities under terms and conditions established by the department;

(i) establish rates and other charges for land mobile radio system services provided by the department;

(j) accept federal funds granted by congress or by executive order and gifts, grants, and donations for any purpose of this section;

(k) dispose of personal property owned by it in a manner provided by law when, in the judgment of the department, the disposal best promotes the purposes for which the department is established;

(l) report to the appropriate interim committee on a regular basis and to the legislature as provided in 5-11-210 on the land mobile radio system activities of the department; and

(m) represent the state with public and private entities on matters of the statewide land mobile radio system.

(2) If it is in the state's best interest, the department may contract with qualified private organizations, foundations, or individuals to carry out the purposes of this section.

**NEW SECTION. Section 4. Rulemaking authority.** (1) The department shall adopt rules that are necessary to implement this part.

**INCLUDE DEADLINES FOR RULE ADOPTION?**

(2) The department shall adopt rules in accordance with the Montana Administrative Procedure Act provided for in Title 2, chapter 4, to implement the provisions of this section.

**NEW SECTION. Section 5. Land mobile radio system project budget summary.** (1) (a) The office of budget and program planning, in cooperation with the department, shall prepare a statewide summary of:

(i) proposed major new land mobile radio system projects contained in the state budget; and

(ii) proposed major information land mobile radio system projects impacting another state agency or branch of government to be funded within the current operating budgets, including replacement of or upgrade to existing systems.

(b) The office of budget and program planning and the department shall jointly determine the criteria for classifying a project as a major land mobile radio system project.

(2) The land mobile radio system project summary must include:

(a) a listing by institution, agency, or branch of all proposed major land mobile radio system projects described in subsection (1). Each proposed project included on the list must include:

(i) a description of what would be accomplished by completing the project;

(ii) a list of the existing land mobile radio systems for all branches of government that may be impacted by the project;

(iii) an estimate, prepared in consultation with the impacted agencies, of the costs and resource impacts on existing land mobile radio systems;

(iv) the estimated cost of the project;

(v) the source for funding the project, including funds within an existing operating budget or a new budget request; and

(vi) the estimated cost of operating the land mobile radio system.

(b) a listing of internal service rates proposed for providing land mobile radio system services. Each internal service rate included on the list must include:

(i) a description of the services provided; and

(ii) a breakdown, aggregated by fund type, of requests included in the state budget to support the rate.

(c) any other information as determined by the budget director or the department or as requested by the attorney general or the legislature.

(3) The land mobile radio system project summary must be presented to the legislative fiscal analyst in accordance with 17-7-111(4).